

Analysis:

It is staff's opinion that approval of this tower is premature. The tower is significantly higher than any other, away from an existing clustered location, and opens up a new transmission area. Until the County adopts siting and design guidelines in accordance with Policy PF-2U, only towers of a less precedent - setting nature should be approved.

ALTERNATIVE

Although it is staff's opinion that approval of the proposed tower is premature, the Board of Zoning Adjustments may determine it appropriate to approve the request for the tower. If this is the action to be taken, the Negative Declaration should be adopted and the use permit approved subject to the attached conditions of approval and after making the following findings:

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Negative Declaration has been completed in compliance with CEQA, State and County guidelines and the information contained therein has been reviewed and considered.
2. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. The width of the tower is so narrow (24 inches) that visual impacts are minimal;
  - b. Lighting of the tower will insure aircraft safety;
  - c. Transmission interference is unlikely and is regulated by the FCC.

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments denies the request, exempting the project from CEQA for the purpose of denial after making the following findings:

1. There is no mitigation for the visual impact that the project will have;
2. There are other sites available in the County, including the applicant's existing location, that could have less impact.

3. Until the County adopts siting and design guidelines for transmission towers in accordance with Policy PF-2U, it is premature to approve towers which exceed existing tower heights and continue the trend toward tower dispersal.

**LIST OF ATTACHMENTS**

EXHIBIT "A" - BZA Conditions of Approval  
EXHIBIT "B" - Proposal Statement  
EXHIBIT "C" - Letter from Engineering Consultant  
EXHIBIT "D" - ALUC Resolution 89-41  
EXHIBIT "E" - California Dept. of Forestry letter  
EXHIBIT "F" - Letter of Opposition  
EXHIBIT "G" - Draft BZA Resolution for Approval  
EXHIBIT "H" - Draft BZA Resolution for Denial

EXHIBIT "A"  
BZA Conditions of Approval  
UP 89-785 / Fuller Jeffrey Broadcasting  
January 25, 1990

Public Health Department:

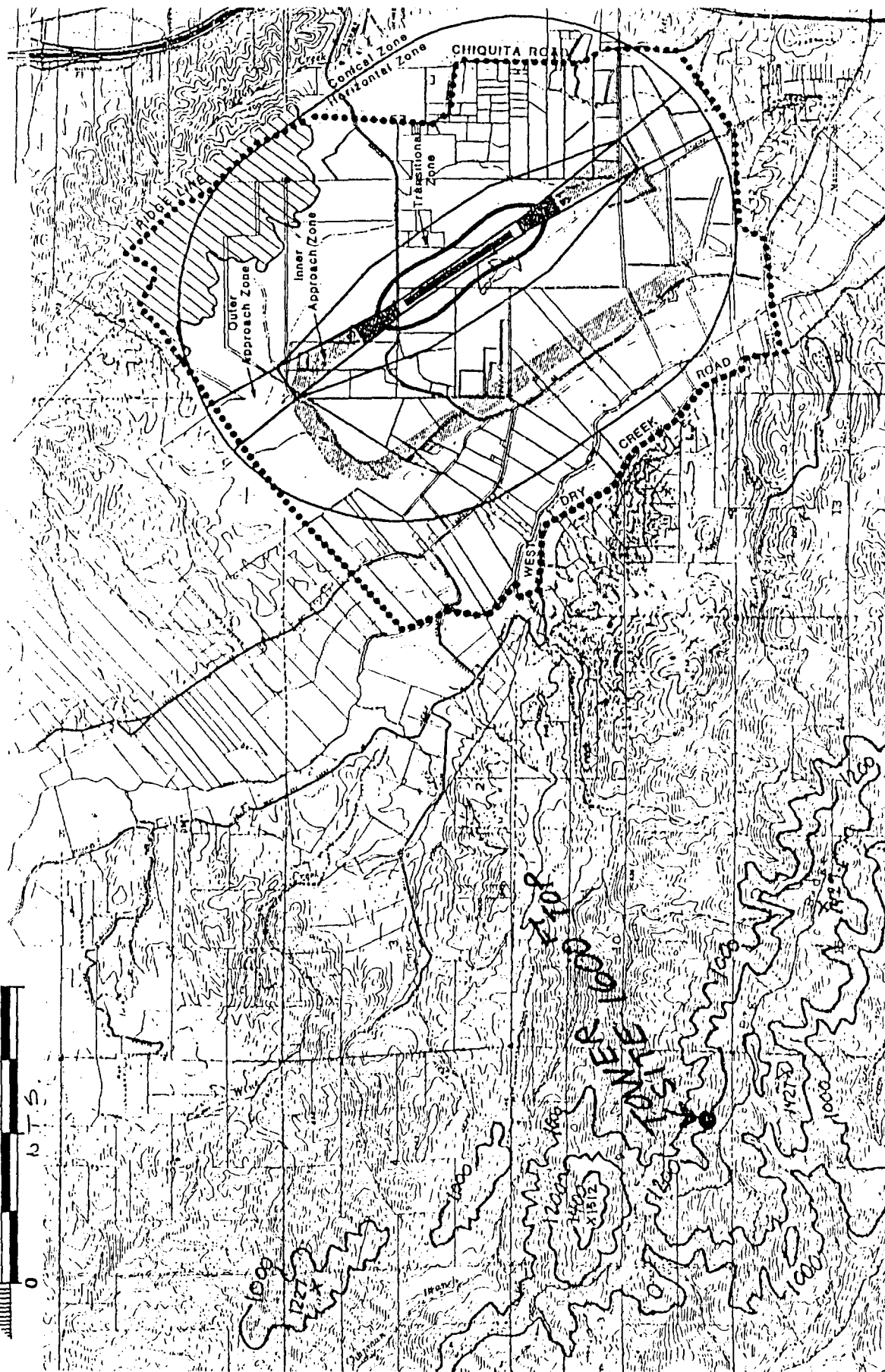
1. Noise shall be controlled in accordance with Table NE-2 of the Noise Element of the Sonoma County General Plan.
2. All maintenance visits should be scheduled not to exceed 2 hours and no occupancy of storage building(s) will be permitted at any time.

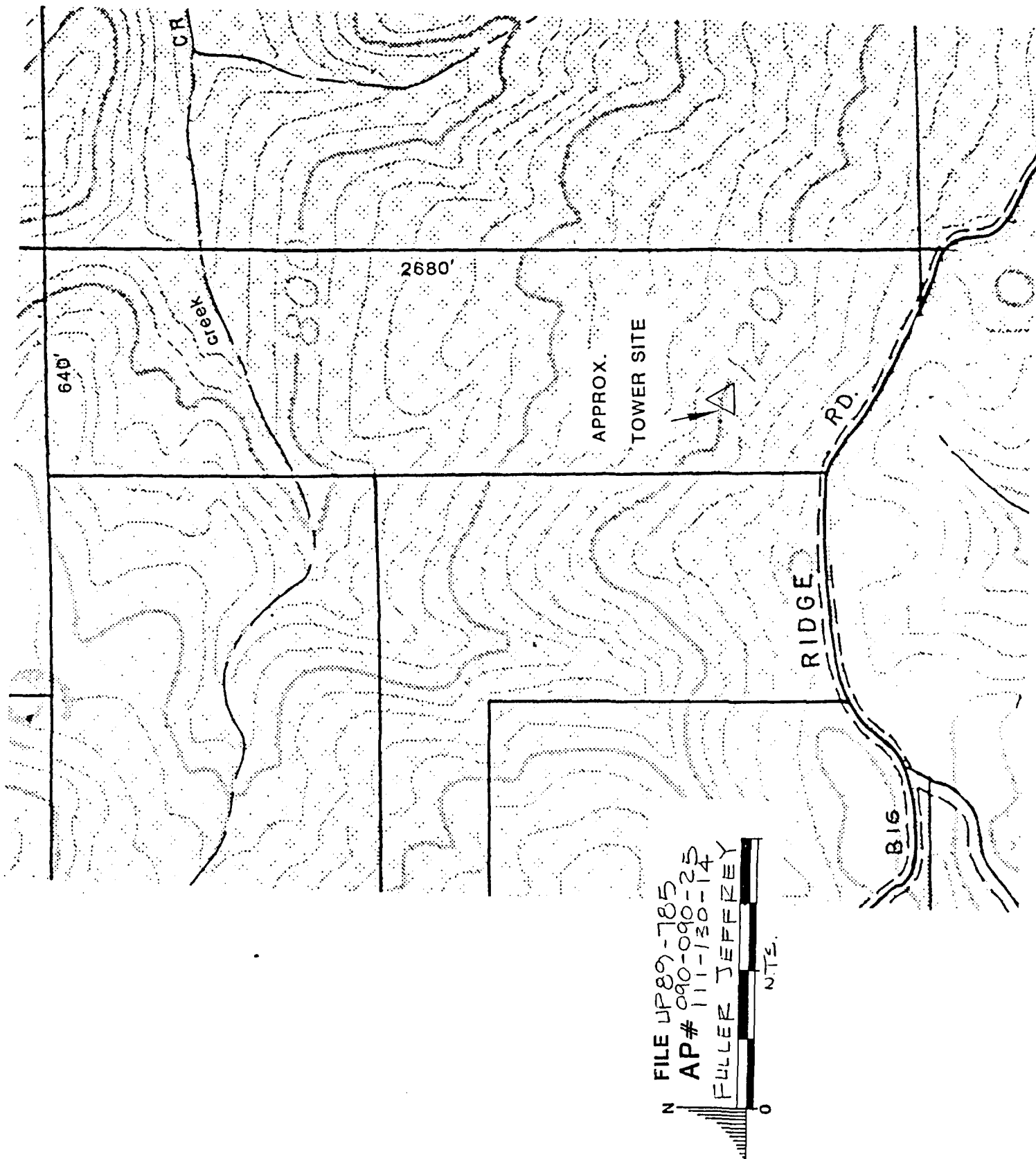
Planning Department:

3. The applicant shall mark and light the tower and support wires, if necessary, meeting the Federal Aviation Administration standards.
4. The applicant shall notify the California Department of Forestry of the methods used to mark and light the tower, and its specific location.
5. If there is a fuel storage tank placed on site, approval must be obtained from the County Fire Marshal.
6. Prior to obtaining a building permit for the use, a noise study shall be submitted to the Planning and Public Health Departments, listing specific mitigations which shall be included in the structural design of the building housing the generator in order to attenuate noise.
7. Conditions were imposed as a part of the environmental document for this project. The Planning Department shall be responsible for monitoring the implementation of these conditions. Other conditions were imposed at the recommendation of other departments or agencies. Each department or agency is responsible for the implementation of those conditions. The County shall ensure implementation of the above conditions by hiring a consultant or causing the applicant to hire a consultant to perform any necessary site inspections. The County may charge a fee for administering these inspections in addition to the cost of the consultant. The County has the power to revoke and may revoke the permit or entitlement if the conditions have not been met.
8. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-207 and 26-207.2 of the Sonoma County Code.

In any case where a zoning permit, use permit or variance permit has not been used within one (1) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided, however, that upon written request by the applicant prior to the expiration of the one year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-207.1 of the Sonoma County Code.

N FILE UP 89-785  
 AP# 090-090-25  
 111-130-14  
 FULLER JEFFREY





## PROPOSAL STATEMENT

### Fuller-Jeffrey Broadcasting

This proposal is for the construction of a 407-foot tower for FM radio signal transmission. A small equipment building, approximately 10' wide, 20' long and 9' high, would be located on the site within 50 feet of the tower. No other structures are proposed for the transmitter operations on the 39+ acre property. No employees are located on site. Site visits by technicians would occur 2-4 times a month. The site is about 5 miles west of Healdsburg. Access roads are dirt and gravel surfaced.

The 39+ acre property is moderately to steeply sloping, with bench areas in the vicinity of Big Ridge Road. The proposed tower base location would be at approximately 1200' elevation MSL, about 100'-150' below the elevation of Big Ridge Road in the area.

The tower site would be approximately 100-200 feet north of Big Ridge Road. The base of the tower would be a concrete block approximately 3' X 3' in size, and 5'-6' in depth. Guy wires will provide stability to the tower. The guy wires will be anchored in small concrete blocks.

A small area of the hillside site, estimated to be no more than 100' X 100', would need to be cleared relatively free of trees and underbrush. Access to the tower site off Big Ridge Road will utilize a small former logging road existing on the property.

The tower consists of a three-sided metal structure, each side being about 24" in width. The transmitting antennae consist of metal arms attached to the top 30 feet of the tower and projecting 6'-8' outward.

FAA regulations will require that the tower be lighted with red aircraft warning lights at night.

**CECIL LYNCH**

*Radio Engineering Consultant*

Phone 523-3955 (Area 209)

2460 Illinois Avenue  
MODESTO, CALIFORNIA  
95351

December 21, 1989

Mr. Randy Wells  
Radio Station KHTT  
P. O. Box 1598  
Santa Rosa, California 95402

Dear Randy:

In response to your inquiry concerning the potential of interference to other services in the vicinity of the proposed new location of the KHTT transmitter, the following information may serve to answer any questions.

First of all, in our experience with installations of this type, when equipment is properly operated there is apt to be little or no interference to reception of other FM stations except possibly in the area immediately adjacent to the antenna. Should such interference occur, it is easily identifiable and correctable, and under FCC Rules KHTT is obligated to remedy any legitimate complaints within the "blanketing" area (approximately 1.35 miles radius.) A copy of the relevant FCC Rules, contained in paragraphs (b), (c), and (d), is attached.

Ordinarily, interference of the nature specified by the FCC occurs only where several FM stations transmit from the same tower and there is a high density of population within a few blocks of the site.

The tower itself cannot be a source of interference to any other radio service, and interference to TV reception from FM transmitters is extremely rare. In fact, many FM stations have TV receivers on the premises, adjacent to transmitters and antennas, with little or no impairment of reception.

Of further interest are the presently applicable rules of the Federal Aviation Administration, concerning marking and lighting of towers. There are two alternatives, adopted in the FAA Advisory Circular 70/7460-1G. Under one plan, the tower may be painted in the conventional orange and white bands, with flashing beacons at the top and mid-point levels, and obstruction lights at the 1/4 and 3/4 levels. Under the other plan, white obstruction lights may be used at the top and mid-point levels; with this lighting, painting may be omitted. Personally, I prefer the white strobe lights, which are shielded toward the ground but highly visible for aircraft, both day and night. Copies of some the relevant data from the FAA Advisory Circular are attached.

Please let me know should further information be needed.

Sincerely yours,

  
Cecil Lynch

Incls.

cc: Mr. Hank Gonzales

AM  
FM  
TV

EXHIBIT "C"

EXHIBIT "C"

(a) The distance to the 115 dBu contour is determined using the following equation:

$$\begin{aligned} D \text{ (in kilometers)} &= 0.394 \sqrt{P} \\ D \text{ (in miles)} &= 0.245 \sqrt{P} \end{aligned}$$

Where P is the maximum effective radiated power (ERP), measured in kilowatts, of the maximum radiated lobe.

(b) After January 1, 1985, permittees or licensees who either (1) commence program tests, or (2) replace their antennas, or (3) request facilities modifications and are issued a new construction permit must satisfy all complaints of blanketing interference which are received by the station during a one year period. The period begins with the commencement of program tests, or commencement of programming utilizing the new antenna. Resolution of complaints shall be at no cost to the complainant. These requirements specifically do not include interference complaints resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers and non-RF devices such as tape recorders or hi-fi amplifiers (phonographs) are also excluded.

(c) A permittee collocating with one or more existing stations and beginning program tests on or after January 1, 1985, must assume full financial responsibility for remedying new complaints of blanketing interference for a period of one year. Two or more permittees that concurrently collocate on or after January 1, 1985, shall assume shared responsibility for remedying blanketing complaints within the blanketing area unless an offending station can be readily determined and then that station shall assume full financial responsibility.

(d) Following the one year period of full financial obligation to satisfy blanketing complaints, licensees shall provide technical information or assistance to complainants on remedies for blanketing interference.

#### Historical Note

*Section ("Facsimile: engineering standards") deleted and designated reserved by order in Docket No. 20012, effective April 11, 1975, 40 FR 11581. For Report see 32 RR 2d 1551.*

*Section added by order in Docket No. 82-186, effective January 1, 1985, 49 FR 45142. For Report see 57 RR 2d 126.*

*Subsection (b) corrected by oversight order (DA 87-685) released June 17, 1987 and effective July 9, 1987, 52 FR 25865.*



RESOLUTION 89-41 OF THE  
SONOMA COUNTY AIRPORT LAND USE COMMISSION (ALUC),  
DETERMINING THAT A PROPOSAL OF THE COUNTY OF SONOMA FOR  
A 407 FOOT HIGH RADIO TRANSMITTER TOWER ON 39 ACRES  
LOCATED AT 2300 BIG RIDGE ROAD, HEALDSBURG, ABOUT FOUR  
MILES WEST OF HEALDSBURG MUNICIPAL AIRPORT, IS  
CONSISTENT WITH THE SONOMA COUNTY AIRPORT POLICY PLAN  
PROVIDED THAT THE TOWER AND SUPPORT WIRES ARE MARKED  
AND LIGHTED IN COMPLIANCE WITH FAA REQUIREMENTS (UP  
89-785, Fuller Jeffrey Broadcasting)

WHEREAS, the County of Sonoma referred a proposal to the ALUC for a 407 foot high radio transmitter tower (top elevation approximately 1600 feet above sea level) on 39 acres located at 2300 Big Ridge Road, Healdsburg, approximately four miles west of Healdsburg Municipal Airport (UP 89-785), and

WHEREAS, the ALUC has considered this matter at its regular meeting on this date, and made the following findings:

1. That the tower will not intrude in the airspace of flight operations at Healdsburg Municipal Airport and is away from normal flight paths of en route aircraft.
2. That the applicant will notify the FAA and mark and light the tower as required.
3. That the applicant should consider marking tower support wires if necessary to warn pilots who may come near the tower.

NOW THEREFORE BE IT RESOLVED that the Sonoma County Airport Land Use Commission determines that the proposed project conforms to the Sonoma County Airport Land Use Policy Plan, provided that the tower and support wires are marked and lighted in compliance with FAA requirements.

THE FOREGOING RESOLUTION was moved by Proxy White , seconded by Commissioner Gonsalves and adopted on the following roll call vote:

Proxy White for Alexander Aye	Commissioner Scofield	Absent
Commissioner Gonsalves Aye	Commissioner Smith	Aye
Commissioner Healy Aye	Commissioner Stephenson	Aye

AYES: 5            NOES: 0            ABSENT: 1            ABSTAIN: 0

WHEREUPON, the Chairman declared the above and foregoing resolution duly adopted, and

SO ORDERED.

## DEPARTMENT OF FORESTRY

## AND FIRE PROTECTION

Sonoma Air Attack Base  
2235 Airport Blvd



November 7, 1989

County of Sonoma  
Department of Planning  
Attn: Sigrid Swedenborg (UP 89-785)  
575 Administration Drive, Room 105A  
Santa Rosa, CA 95401

Re: Radio Transmitter Tower  
APN 090-090-25; 111-130-14

Sigrid Swedenborg:

The following comments are submitted re: the application for the construction of a 407 foot high radio tower at 2300 Big Ridge Road, west of Healdsburg.

As the agency responsible for wildfire air attack in this area we are concerned about the visibility of flight obstacles in the areas where we may be operating. Our activities require low level flight, often below 400 feet above the ground, for making airtanker fire retardant drops and to deliver fire crews and water by helicopter. Thus, the visibility of relatively low-level flight obstacles is important to the safety and effectiveness of our pilots and crews.

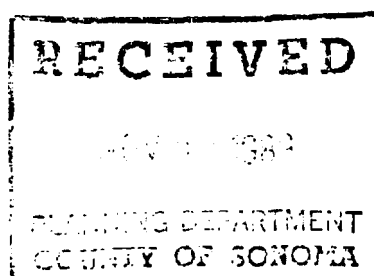
Towers and power lines adversely affect our operations even when we can see them. Antenna towers are especially difficult to locate from the air under normal atmospheric conditions. The smoky conditions normally encountered during wildfire air attack often make unlighted antennas nearly invisible. The flight safety problem is further compounded by the pilots' attention being directed to drop targets and other tactical situations.

In short, we need all the help we can get in locating flight hazards. We request that structures of this type located in areas susceptible to wildfire be lighted and/or marked with high visibility materials so that they can be readily seen by our flight crews. The ideal would include high intensity strobe lighting for daylight operations and lower intensity for night use.

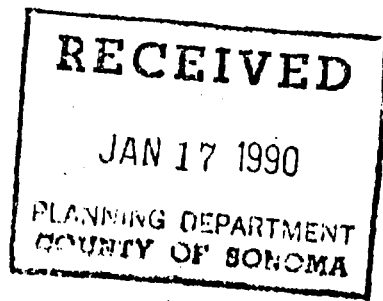
We thank you for your consideration.

Yours Truly,

Blaine A. Moore  
Air Attack Officer  
CDF-Sonoma Air Attack Base



c: SNU  
RO1



1420 Felta Rd,  
Healdsburg  
Jan. 17, 1990

Dear Sigrid,

I recently heard about the proposed 400' FM radio tower designated for Big Ridge in the Dry Creek Valley. Since you are having to write the report on this project, I wanted to let you know how dismayed Tim and I are at the thought of this. I know many people will be as adamantly opposed to the creation of a radio tower in this beautiful pristine area as we are.

We go out to this area to visit friends and enjoy the solitude and beauty of nature that is no longer so quiet or uncluttered in our own valley. It seems like people keep moving to the country and then soon bring all the "trappings" of the city and soon it is no longer "country."

Personally I feel strongly that the necessity of a radio tower is not great enough to warrant the despoilation of the Big Ridge area.

Thankyou for considering our point of view

Sincerely,

Elizabeth McClure

BZA Resolution No.  
January 25, 1990

**DRAFT**

UP 89-785/Fuller Jeffrey Broadcasting  
Planner: Sigrid Swedenborg

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF  
SONOMA, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION  
AND GRANTING A USE PERMIT TO FULLER JEFFREY BROADCASTING FOR  
A 407 FOOT HIGH RADIO TRANSMITTER TOWER.

WHEREAS, the Sonoma County Board of Zoning Adjustments has considered the Use Permit application by Fuller Jeffrey Broadcasting requesting a 407 foot high radio transmitter tower on 39 acres located at 2300 Big Ridge Road, Healdsburg, APN 090-090-25 and 111-130-14, zoned A1 (Primary Agriculture), BS, Table 40, Supervisorial District No. 4, and

WHEREAS, in accordance with the provisions of law, the Sonoma County Board of Zoning Adjustments did conduct a public hearing on January 25, 1990, on said application at which time all interested persons were given an opportunity to be heard thereon, and

WHEREAS, said Board does make the following specific findings relative to this particular application:

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Negative Declaration has been completed in compliance with CEQA, State and County guidelines and the information contained therein has been reviewed and considered.
2. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. The width of the tower is so narrow (24 inches) that visual impacts are minimal;
  - b. Lighting of the tower will insure aircraft safety;

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Board of Zoning Adjustments in regular session assembled this 25th day of January, 1990, hereby adopts the Negative Declaration as being completed in compliance with CEQA State and County Guidelines and certifies that it has reviewed and considered the information contained therein, and hereby grants the Use Permit requested subject to the attached conditions in Exhibit "A".

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

AYES:

NOES:

ABSENT:

ABSTAIN:

WHEREUPON, the Chairman declared the above and foregoing resolution duly adopted; and

SO ORDERED.

BZA Resolution No.  
January 25, 1989

**DRAFT**

UP 89-785/Fuller Jeffery Broadcasting  
Planner: Sigrid Swedenborg

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF  
SONOMA, STATE OF CALIFORNIA, EXEMPTING THE PROJECT FROM CEQA  
FOR THE PURPOSE OF DENIAL AND DENYING THE USE PERMIT REQUEST  
BY FULLER JEFFREY BROADCASTING FOR A 407 FOOT HIGH RADIO  
TRANSMITTER TOWER

WHEREAS, the Sonoma County Board of Zoning Adjustments has considered the Use Permit application by Fuller Jeffrey Broadcasting requesting a 407 foot high radio transmitter tower on 39 acres located at 2300 Big Ridge Road, Healdsburg, APN 090-090-25 and 111-130-14, zoned A1 (Primary Agriculture), BS, Table 40, Supervisorial District No. 4, and

WHEREAS, in accordance with the provisions of law, the Sonoma County Board of Zoning Adjustments did conduct a public hearing on January 25, 1990, on said application at which time all interested persons were given an opportunity to be heard thereon, and

WHEREAS, said Board does make the following specific findings relative to this particular application:

1. There is no mitigation for the visual impact that the project will have;
2. There are other sites available in the County, including the applicant's existing location, that could have less impact.
3. Until the County adopts siting and design guidelines for transmission towers in accordance with Policy PF-2U, it is premature to approve towers which exceed existing tower heights and continue the trend toward tower dispersal.

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Board of Zoning Adjustments in regular session assembled this 25th day of January, 1990, hereby exempts the project from CEQA for the purpose of denial and denies the Use Permit request by Fuller Jeffrey Broadcasting for a 407 foot high radio transmitter tower on 39 acres.

AND BE IT FURTHER RESOLVED that the Sonoma County Board of Zoning Adjustments action shall be final on the 13th day after the date of the resolution unless an appeal is taken.

Page 2

BZA Resolution No.

UP 89-785/Fuller Jeffrey Broadcasting

Planner: Sigrid Swedenborg

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

AYES:

NOES:

ABSENT:

ABSTAIN:

WHEREUPON, the Chairman declared the above and foregoing resolution duly adopted; and

SO ORDERED.

EXHIBIT "C"



*Santa Rosa Press Democrat 1/28/90*

# Radio tower proposal overwhelmed by neighbors' static

## KHTT loses Healdsburg site

By ALVARO DELGADO  
Staff Writer

Residents of the Dry Creek Valley, ever vigilant over threats to agriculture in their valley, have successfully mobilized against a proposed 407-foot radio tower on Big Ridge Road.

The Sonoma County Board of Zoning Adjustments unanimously rejected the tower Thursday night after speakers said the tower proposed by radio station KHTT would besmirch the Dry Creek Valley west of Healdsburg.

"We're very happy. It was a visual, scenic intrusion on our whole area. It's a fire hazard," said LaVerne Waddington, who presented a petition with opponents' signatures to the zoning board.

Board member Leslie Perry said he voted against allowing a use permit for the tower because it would have been incompatible with the area's agricultural zoning.

Hank Gonzales of Fuller Jeffrey Broadcasting Co., owner of KHTT, said the radio station wanted to move its tower from Geyser Peak to the Dry Creek Valley to better serve the area.

KHTT is a contemporary music station and was formerly KREO radio station.

"We were just trying to do a better job of covering the market, of covering the area," said Gonzales. "It's a democratic process and it works."

The broadcasting company has 10 days to appeal the decision but has yet to decide whether it will do so, said Gonzales.

Waddington said about 75 people showed up to oppose the tower. She said 75 people from Dry Creek Valley and 250 Healdsburg dwellers signed petitions against the project.

Gonzales said plans called for a 2-foot-wide steel tower at an elevation of 1,200 feet on a 39-acre parcel south of West Dry Creek Road.

Opponents said the tower would have been visible from downtown Healdsburg and would have protruded 150 to 200 feet above the ridge line, presenting a fire hazard.

In the event of fire, said Waddington, California Department of Forestry firefighting helicopters would be prevented from flying low enough to extinguish flames.

She said opponents were concerned also about noise and pollution produced by the tower. A diesel generator, used at the very least as a back-up for power, would

have been installed, she said.

Waddington said the builder would have needed permission from area dwellers to reach the site, since access roads are privately owned.

Gonzales said Fuller Jeffrey Broadcasting searched several areas for possible locations but found the Big Ridge Road site was the only one available.

The broadcasting company owns 12 radio stations across the country, including Chico, Modesto, Iowa, New Hampshire and Maine.

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PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sonoma, California. I am over the age of 18 years and am not a party to the within action. On May 29, 1991, I served the attached PETITION TO DENY by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Postal Service Office, Santa Rosa Main Branch, Santa Rosa, California, addressed as follows:

Mario Edgar Deas  
126 Mill Street  
Healdsburg, CA 95448

George L. Lyon, Jr., Esq.  
Lukas, McGowan, Nace & Guttierrez  
1819 H Street N.W.  
Suite 700  
Washington D.C. 20006  
Attorneys for Linda D. Beckwith

Lee W. Shubert, Esq.  
Haley, Bader & Potts  
Suite 600  
2000 M Street, N.W.  
Washington D.C. 20036-3374  
Attorneys for Deas  
Communications, Inc.

Michael Couzens, Esq.  
385 8th Street, 2nd Floor  
San Francisco, CA 94103  
Attorney for Dragonfly  
Communications, Inc.

I, DONNA M. TILTON certify under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 1991, at Rohnert Park, California.

  
DONNA M. TILTON

EXHIBIT 2

Declaration of Mario Edgar Deas

## DECLARATION OF MARIO EDGAR DEAS

I, Mario Edgar Deas, declare under penalty of perjury that the following statement is true and correct.

I am the President, a Director and the sole voting shareholder of Deas Communications, Inc. ("Deas"), an applicant for a new FM radio station at Healdsburg, California. This Declaration responds to the Petition to Enlarge Issued filed by Healdsburg Broadcasting, Inc. ("HBI") against Deas.

HBI's Petition alleges, based on a statement by an attorney, William A. Carle III, and other materials previously submitted to the FCC and rejected, that in his opinion "it is improbable if not impossible for Deas to get approval from" the Sonoma County Board of Zoning Adjustments ("BZA") for our proposed transmitter site. His reasons are that in 1989, the Board rejected a proposal by Fuller Jeffrey Broadcasting for a much higher tower located at least five miles from ours, and by "the predictable outpouring of opposition by the Dry Creek Valley Association." I cannot help noting that no support for Mr. Carle's opinions is provided by either the Zoning Board or the Association.

In fact, there is no basis for his opinions, which merely echo those expressed in 1991 by another attorney in a predesignation Petition to Deny and rejected in the Healdsburg Hearing Designation Order.

Let me first state that on June 21, 1991, I executed an earlier Declaration under penalty of perjury in response to the nearly identical predesignation Petition to Deny. I believe that the majority of the points made by HBI are addressed in that declaration again demonstrating that they have been unable to produce any new evidence to support the assertion that our transmitter would not be approved. I have directed Deas counsel to append that June 21, 1991

statement to this Declaration as Appendix I. I state again, under oath, that every word of that statement is true and correct.

Second, the assertions by Mr. Carle are merely his "opinion". He does not mention any discussion with or statements from the BZA or the Dry Creek Valley Association ("the Association") regarding the likelihood of approval for our much lower and clearly much less imposing tower structure.

I have personally contacted the County Planner, Sigrid Swedenborg, and she assures me that every tower request will be examined individually and on its own merit. Therefore, no prior determination of the assurance of approval can be made before complete review and evaluation by the BZA.

I also met with the Association in early 1991 at a public meeting and discussed my proposed tower with them. I showed them pictures of the site and there was no opposition to the proposal. This also explains why Mr. Carle was unable to supply any documentation to back up either of his assertions regarding the BZA's or the Association's position concerning the acceptability of my proposed tower.

Third, Mr. Carle uses the BZA denial of the permit for the 407 foot tower proposed by Fuller Jeffrey Broadcasting/KHTT tower as a principal basis for his conclusion that the Deas tower will not be approved. Our proposed 69-foot pole is almost entirely hidden by trees, is five miles removed from the Fuller Jeffrey site, does not (like that proposal) require lights or strobes, and is clearly not of "like kind" as HBI insists. A far more "like kind" tower was approved by the BZA in 1988 on Fitch Mountain (see Appendix II and paragraph 3 of Appendix I).

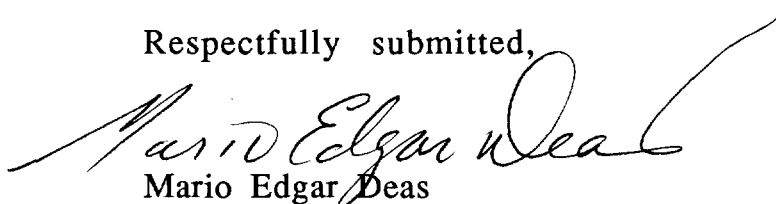
Fourth, although it is premature to directly address the BZA's guidelines, I can attest that Deas Communications will be able to meet the criteria as established by the BZA. I would not be pursuing this proposal if I were not highly confident both that it will be approved and that it will be the optimum site for coverage of Healdsburg

In Conclusion, and as the foregoing documents show, Deas presently has the tacit approval of the Dry Creek Valley Association

and has no reason to believe that our proposal, much lower in height and far removed from that of Jeffrey Fuller, will not be granted by the BZA. Therefore HBI cannot make "a reasonable showing that site availability is improbable" and there is no foundation for HBI's Petition, which should be denied.

Executed this 29 Day of June, 1992.

Respectfully submitted,

A handwritten signature in cursive script, reading "Mario Edgar Deas". The signature is fluid and extends to the right with a long, sweeping tail.

Mario Edgar Deas

DECLARATION OF MARIO EDGAR DEAS

I, Mario Edgar Deas, declare that I am President, a Director, and sole voting shareholder of Deas Communications, Inc., an applicant for a construction permit for a new FM radio broadcast station for Healdsburg, California. I have reviewed the petition to deny the application of Deas Communications filed by Mr. William J. Smith and have prepared this declaration in response to his petition.

1. I would note at the outset that I have reviewed ordinance PF-2u and affirmatively state that Deas Communications intends to satisfy all conditions required by that ordinance.

2. I have had several discussions with staff members of the Sonoma County Department of Planning ("Sonoma County") about Deas Communications' tower proposal and have no reason to believe that Sonoma County will deny Deas Communications' application. Deas Communications proposes a 69 foot tower. Less than 10 feet of the tower will be above the current tree line.

3. A 72 foot cellular tower has been constructed on Fitch Mountain, five miles east of Deas Communications' proposed site, as described in further detail in Exhibit A-1 attached to this declaration. The KHTT proposal that Sonoma County denied was over 400 feet high. Given the construction of a 72 foot tower and that Deas Communications proposes a 69 foot tower, there is no basis for Mr. Smith's allegations that the KHTT denial indicates that Sonoma County will deny Deas Communications' proposed tower.

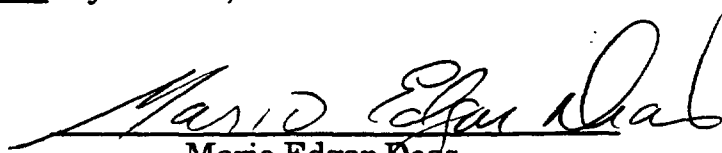
4. Elliot Klein, Deas Communications' engineer, has informed me that Deas Communications' proposed tower location is essential for coverage of the Healdsburg service area and to avoid being short-spaced to other stations operating on Channel 240A. That coverage and spacing proposal is not available from Mt. Jackson, a site suggested by Mr. Smith. In addition, Mr. Smith's petition to deny would exclude a large geographical area, encompassing Big Ridge, Wallace Creek, and Dry Creek Valley, making it virtually impossible to find an appropriate site to provide

APPENDIX I

an adequate signal over the city of Healdsburg as required by the rules of the Federal Communications Commission.

I have read the foregoing consisting of two pages and reviewed the enclosed attachment and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 21 day of June, 1991.

  
Mario Edgar Deas



# The Healdsburg Tribune

Friday, August 31, 1990

## Fitch Mt. phone tower hardly noticed

by BARRY W. DUGAN  
Tribune Editor

A controversial cellular telephone tower, which had mountain residents hurling barbs at each other during the past two years, was quietly built this spring on Fitch Mountain.

And contrary to the fears and charges of those opposing the tower, it is hard to spot the 72-foot tower on the side of Healdsburg's most prominent landmark.

The tower, which appears lower than a nearby power line,

can be seen from the southern part of town but only if one knows just where to look.

Despite the phone tower's unobtrusive profile on the mountain, opponents of the project say the issue of local control, or lack of, over such projects still exists.

"It may not be as intrusive as some people thought it would be," said Ed Liu, who lives near the tower. "But it's up there...and there's always the chance of expansion or more towers. It is disappointing but it's something we can't help."

The tower was built by Cagal Cellular Communications as one of five cell sites in Sonoma County, with the Healdsburg facility being the only one in the north county.

It was built on property owned by local realtor Eric Drew, much to the chagrin of his neighbors. Drew said the tower was built in April of this year. He had no other comments about the matter.

Cagal Attorney David Simpson said he was not surprised that few people had noticed the tower being built. Cagal officials had maintained all along that the tower would hardly be visible to residents.

"I think what we were

telling you all along was true, that it wouldn't really be visible," Simpson said. "It was built and nobody noticed."

Cagal president Larry Rosenthal was out of town and unavailable for comment.

Residents, who circulated a petition with 650 signatures opposing the tower when plans were first discovered in late 1988, still maintain that their main concerns are still valid.

"The whole point is that we were never informed," Liu said. "We should have been informed about what their intentions were...that never happened."

Cagal was granted permission to build the tower in December of 1988 by the state

(Please turn to page 12)

## TOWER

(from page one)

Public Utilities Commission (PUC), but it wasn't until after the state gave its approval that many local residents found out about the tower and organized their opposition.

Residents complained that no local hearings on the tower were held and that state officials didn't even visit the site before giving their approval.

Even though Sonoma County officials denied permits for the tower in March, 1989, the state permits pre-empted local controls.

Opponents appealed to the PUC to have Cagal find another location for its cellular phone tower.

At the same time, Cagal officials, not wishing to build without the county's blessing,

asked the PUC to clarify its position on local controls. The state agency ruled in favor of the phone company in January of this year.

Debra Crevelli, who along with her husband John was among the organizers against the tower, said the issue has yet to be settled.

"We wouldn't have put a that energy into it for this or tower," she said. "It's not too obtrusive...it's not going to be a big deal. We're just concerned about 15 years down the road. We hope they don't multiply...somebody has to be concerned."

Liu said he had resigned himself to the tower being there.

"I guess it's just something we have to live with and hopefully in the future we can have some input," he said. "I'm just trying to forget the whole damn thing."